

LEGISLATURE OF NEBRASKA

NINETY-NINTH LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 1175

FINAL READING

Introduced by Urban Affairs Committee: Friend, 10, Chairperson;  
Combs, 32; Connealy, 16; Cornett, 45; Janssen, 15;  
Landis, 46; Schimek, 27

Read first time January 18, 2006

Committee: Urban Affairs

A BILL

1 FOR AN ACT relating to political subdivisions; to amend sections  
2 15-201.02, 31-741, and 35-1207, Reissue Revised Statutes  
3 of Nebraska, and sections 18-2147, 19-4801, and 29-424,  
4 Revised Statutes Cumulative Supplement, 2004; to  
5 change provisions relating to installment contracts for  
6 purchases, redevelopment projects, issuance of citations  
7 for code violations, construction contracts, and mutual  
8 finance organizations; to harmonize provisions; to repeal  
9 the original sections; and to declare an emergency.  
10 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 15-201.02, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3           15-201.02 In addition to any other powers granted to it  
4 by law, a city of the primary class may enter into installment  
5 contracts for the purchase of real or personal property. Such  
6 contracts need not be restricted to a single year and may provide  
7 for the purchase of the property in installment payments to be paid  
8 over more than one fiscal year. This section shall be in addition  
9 to and notwithstanding the provisions of a home rule charter.

10          Sec. 2. Section 18-2147, Revised Statutes Cumulative  
11 Supplement, 2004, is amended to read:

12          18-2147 (1) Any redevelopment plan as originally approved  
13 or as later modified pursuant to section 18-2117, may contain a  
14 provision that any ad valorem tax levied upon real property in  
15 a redevelopment project for the benefit of any public body shall  
16 be divided, for a period not to exceed fifteen years after the  
17 effective date of such a provision by the governing body, as  
18 follows:

19           (a) That portion of the ad valorem tax which is produced  
20 by the levy at the rate fixed each year by or for each such public  
21 body upon the redevelopment project valuation shall be paid into  
22 the funds of each such public body in the same proportion as are  
23 all other taxes collected by or for the body;

24           (b) That portion of the ad valorem tax on real property  
25 in the redevelopment project in excess of such amount, if any,

1 shall be allocated to and, when collected, paid into a special fund  
2 of the authority to be used solely to pay the principal of, the  
3 interest on, and any premiums due in connection with the bonds of,  
4 loans, notes, or advances of money to, or indebtedness incurred by,  
5 whether funded, refunded, assumed, or otherwise, such authority for  
6 financing or refinancing, in whole or in part, the redevelopment  
7 project. When such bonds, loans, notes, advances of money, or  
8 indebtedness, including interest and premiums due, have been paid,  
9 the authority shall so notify the county assessor and county  
10 treasurer and all ad valorem taxes upon taxable real property in  
11 such a redevelopment project shall be paid into the funds of the  
12 respective public bodies; and

13 (c) Any interest and penalties due for delinquent taxes  
14 shall be paid into the funds of each public body in the same  
15 proportion as are all other taxes collected by or for the public  
16 body.

17 (2) The governing body shall not implement any plan  
18 containing a provision dividing ad valorem taxes as provided in  
19 subsection (1) of this section until such time as the real property  
20 in the redevelopment project is within the corporate boundaries of  
21 the city.

22 (3) Notice of the provision dividing ad valorem taxes  
23 shall be sent in writing by the authority to the county assessor  
24 on or before August 1 of the year of the effective date of  
25 the provision. Failure to satisfy the notice requirement of this

1 section shall result in the taxes, for all taxable years affected  
2 by the failure to give notice of the effective date of the  
3 provision, remaining undivided and being paid into the funds  
4 for each public body receiving property taxes generated by the  
5 property in the redevelopment project. However, the redevelopment  
6 project valuation for the remaining division of ad valorem taxes  
7 in accordance with subdivisions (1)(a) and (b) of this section  
8 shall be the last certified valuation for the taxable year prior  
9 to the effective date of the provision to divide the taxes for the  
10 remaining portion of the fifteen-year period pursuant to subsection  
11 (1) of this section.

12           Sec. 3. Section 19-4801, Revised Statutes Cumulative  
13 Supplement, 2004, is amended to read:

14           ~~19-4801~~ (1) The chief or head official of the fire  
15 department, fire inspectors as may be designated by such chief or  
16 head official, or inspectors charged with the enforcement of fire,  
17 health, or safety codes and constructional technical codes of a  
18 city of the first class, city of the primary class, or city of the  
19 metropolitan class shall have the authority, after being trained by  
20 a certified law enforcement officer in the policies and procedures  
21 for issuance of citations, to issue citations for violations  
22 of fire, health, and safety codes and constructional technical  
23 codes ~~(1)~~ (a) that constitute infractions or violations of city  
24 ordinances, ~~(2)~~ (b) that are violations of the fire, health, or  
25 safety code or constructional technical code that the official or

1 inspector issuing the citation is charged with enforcing, and ~~(3)~~  
2 (c) in which the circumstances do not pose a danger to the official  
3 or inspector.

4 (2) If a city of the second class or village has  
5 adopted and is enforcing a fire, health, safety, or constructional  
6 technical code, the chief or head official of the fire department,  
7 fire inspectors designated by such chief or head official, or  
8 such inspectors charged with the enforcement of the fire, health,  
9 safety, or constructional technical code shall have the authority,  
10 after being trained by a certified law enforcement officer in  
11 the policies and procedures for issuance of citations, to issue  
12 citations for violations of fire, health, safety, or constructional  
13 technical codes (a) that constitute infractions or violations of  
14 city or village ordinances, (b) that are violations of the fire,  
15 health, safety, or constructional technical code that the official  
16 or inspector issuing the citation is charged with enforcing, and  
17 (c) where the circumstances do not pose a danger to the official  
18 or inspector.

19 (3) A citation issued under this section shall be  
20 equivalent to and have the same legal effect as a citation  
21 issued in lieu of arrest or continued custody by a peace officer  
22 if the citation and procedures utilized meet the requirements of  
23 sections 29-422 to 29-429. The citation shall be on the same form  
24 prescribed under section 29-423. Failure to appear or comply with  
25 a citation issued under this section shall be punishable in the

1 same manner as provided in section 29-426. An official or inspector  
2 issuing a citation under this section shall not have authority to  
3 take a person into custody or detain a person under this section or  
4 section 29-427.

5 Sec. 4. Section 29-424, Revised Statutes Cumulative  
6 Supplement, 2004, is amended to read:

7 29-424 When a citation is used by a peace officer or  
8 when a citation is used by an official or inspector pursuant to  
9 section ~~19-4801~~ 3 of this act, he or she shall enter thereon all  
10 required information, including the name and address of the cited  
11 person, the offense charged, and the time and place the person  
12 cited is to appear in court. Unless the person cited requests an  
13 earlier date, the time of appearance shall be at least three days  
14 after the issuance of the citation. One copy of the citation shall  
15 be delivered to the person cited, and a duplicate thereof shall  
16 be signed by such person, giving his or her promise to appear at  
17 the time and place stated therein. Such person thereupon shall be  
18 released from custody. As soon as practicable, the copy signed by  
19 the person cited shall be delivered to the prosecuting attorney.

20 At least twenty-four hours before the time set for the  
21 appearance of the cited person, either the prosecuting attorney  
22 or other person authorized by law to issue a complaint for the  
23 particular offense shall issue and file a complaint charging such  
24 person with an offense or such person shall be released from the  
25 obligation to appear as specified. A person cited pursuant to

1 sections 29-422 to 29-429 may waive his or her right to trial. The  
2 Supreme Court may prescribe uniform rules for such waivers.

3 Anyone may use a credit card authorized by the court in  
4 which the person is cited as a means of payment of his or her fine  
5 and costs.

6 Sec. 5. Section 31-741, Reissue Revised Statutes of  
7 Nebraska, is amended to read:

8 31-741 For the first eight years after the election of  
9 the initial board of trustees pursuant to section 31-735, all  
10 All contracts for construction work to be done or materials or  
11 equipment purchased, the expense of which is more than ten twenty  
12 thousand dollars, and after such eight-year period, all contracts  
13 for work to be done or materials or equipment purchased, the  
14 expense of which is more than fifteen thousand dollars, shall be  
15 let to the lowest responsible bidder, upon notice of not less than  
16 twenty days, of the terms and conditions of the contract to be  
17 let. The board of trustees or the administrator shall have power  
18 to reject any and all bids and readvertise for the letting of  
19 such work or to negotiate any contract after an unsuccessful public  
20 letting.

21 Sec. 6. Section 35-1207, Reissue Revised Statutes of  
22 Nebraska, is amended to read:

23 35-1207 (1) Any rural or suburban fire protection  
24 district or mutual finance organization seeking funds pursuant  
25 to the Mutual Finance Assistance Act shall submit an application

1 for funding to the State Treasurer by July 1, ~~or ten days after~~  
2 ~~June 1, 1998, whichever is later.~~ The State Treasurer shall  
3 develop the application which requires calculations showing assumed  
4 population eligibility under section 35-1205 and the distribution  
5 amount under section 35-1206. If the applicant is a mutual  
6 finance organization, it shall attach to its first application  
7 a copy of the agreement pursuant to section 35-1204 and attach  
8 to any subsequent application a copy of an amended agreement or  
9 an affidavit stating that the previously submitted agreement is  
10 still accurate and effective. Any mutual finance organization  
11 making application pursuant to this section shall include with the  
12 application additional financial information regarding the manner  
13 in which any funds received by the mutual finance organization  
14 based upon the prior year's application pursuant to the act have  
15 been expended or distributed by that mutual finance organization.  
16 The State Treasurer shall provide copies of such reports on mutual  
17 finance organization expenditures and distributions to the Clerk of  
18 the Legislature by December 1 of each year in which any reports  
19 are filed.

20 (2) The State Treasurer shall review all applications for  
21 eligibility for funds under the act and approve any application  
22 which is accurate and demonstrates that the applicant is eligible  
23 for funds. On or before August 15, the State Treasurer shall notify  
24 the applicant of approval or denial of the application and certify  
25 the amount of funds for which an approved applicant is eligible.



1 The decision of the State Treasurer may be appealed as provided in  
2 the Administrative Procedure Act.

3 (3) ~~Funds~~ Except as provided in subsection (4) of this  
4 section, funds shall be disbursed by the State Treasurer in two  
5 payments which are as nearly equal as possible, to be paid on  
6 or before November 1 and May 1. If the Mutual Finance Assistance  
7 Fund is insufficient to make all payments to all applicants in  
8 the amounts provided in section 35-1206, the State Treasurer shall  
9 prorate payments to approved applicants. Funds remaining in the  
10 Mutual Finance Assistance Fund on June 1 shall be transferred to  
11 the General Fund before July 1.

12 (4) No funds shall be disbursed to an eligible mutual  
13 finance organization until it has provided to the State Treasurer  
14 the financial information regarding the manner in which it has  
15 expended or distributed prior disbursements made pursuant to the  
16 Mutual Finance Assistance Act as provided in subsection (2) of this  
17 section.

18 Sec. 7. Original sections 15-201.02, 31-741, and 35-1207,  
19 Reissue Revised Statutes of Nebraska, and sections 18-2147,  
20 19-4801, and 29-424, Revised Statutes Cumulative Supplement, 2004,  
21 are repealed.

22 Sec. 8. Since an emergency exists, this act takes effect  
23 when passed and approved according to law.